

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

XAVIER MITTAKARIN,

Defendant.

Case No. 1:24-mj-302

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Marcus T. Wilson, being duly sworn, state as follows:

1. I am a Special Agent with the Department of Homeland Security's (DHS) Federal Protective Service (FPS) in Washington, D.C. (Region 11). I have been employed with FPS for more than seven years. I was previously employed by FPS as an Inspector, which is FPS's Uniformed Police, from 2016 to 2022. During this time, I received specialized training and conducted numerous investigations relating to Title 18 of the United States Code (U.S. Code) and the Code of the District of Columbia (D.C. Code). In 2022, I was promoted to Special Agent. During this time, I completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center as well as specialized training relating to the Criminal Investigator position. My duties as an FPS Special Agent include threat investigations, investigating criminal violations of Title 18 U.S. Code and DC Code, and seeking, when applicable, prosecution of violators.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant for XAVIER MITTAKARIN (hereinafter referred to as MITTAKARIN).

3. The statements in this affidavit are based in part on information and reports provided by the Customs and Border Protection (CBP) – Programs Control Division (PSD), CBP Office of Professional Responsibility (OPR), Department of Homeland Security Office of Inspector General (DHS OIG), law enforcement and open-source databases, law enforcement investigation and process, and interviews with victims and witnesses. This affidavit contains the information necessary to support probable cause and is not intended to include every fact and matter observed by me or known to the United States.

PROBABLE CAUSE

4. On April 2, 2024, the Customs and Border Protection (CBP) - Passenger Systems Program Directorate (PSDP) – Programs Control Division (PCD), an agency of the United States, reported to FPS an annual inventory of unassigned equipment at their facility, located at 10720 Richmond Highway, Lorton, VA 22079, within the Eastern District of Virginia. Twenty-seven (27) laptops comprised of 2 Dell Precision 7770 and 25 HP Zbook Fury G10 laptops were missing and therefore unaccounted for during the inventory. The approximate total cost of the 27 missing laptops is \$67,000. The costs for the Dell Precision 7770 and HP Zbook Fury G10 are \$2,179.42 and \$2,513.77 respectively. As of May 30, 2024, CBP discovered that, along with the aforementioned 27 laptops, there were three additional Dell 7430 laptops were unaccounted for. MITTAKARIN was the employee to last inventory all three laptops. All 30 of these laptops are property of the United States, and more specifically, property of CBP.

5. Preliminary investigation revealed that MITTAKARIN, a CBP employee, had an eBay account that was being used to post several of the laptops for sale. eBay records showed that the account was registered to “Xavier Mittakarin,” with a street address matching the home

address of MITTAKARIN. MITTAKARIN's physical work location is 10720 Richmond Highway, Lorton, VA 22079, where the laptops were originally stored.

6. On June 10, 2024, law enforcement searched MITTAKARIN's home and vehicle pursuant to a federal search warrant. Among the items seized was a Dell laptop recovered from a concealed storage compartment, underneath the mat of the trunk in MITTAKARIN's vehicle. This Dell laptop was one of the three that CBP discovered were missing on May 30, 2024, that had last been inventoried by MITTAKARIN.



7. At the time of the search warrant execution, MITTAKARIN was not authorized to have any CBP devices, including laptops, at his personal residence. He was not authorized to telework during that time period.

8. On April 12, 2024, law enforcement learned of a potential buyer of one of the stolen laptops which was being advertised by MITTAKARIN's eBay account.

9. On June 12, 2024, DHS OIG San Francisco Sub office conducted an in-person interview with the purchaser (hereinafter Victim-1 "V-1") at his residence. V-1 confirmed that he purchased a laptop from MITTAKARIN's eBay account. The laptop was recovered and matched the serial number of one of the stolen HP laptops that was reported missing in April of 2024.

Conclusion

10. Based on the facts outlined above, I submit there is probable cause to believe that within the Eastern District of Virginia, MITTAKARIN stole United States property, that is laptops belonging to CBP each of which was valued at more than 1,000 dollars, in violation of Title 18 U.S.C. § 641.

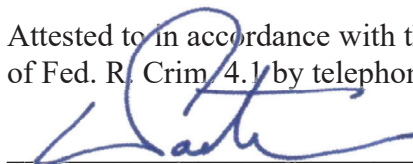
Respectfully Submitted,

MARCUS T WILSON

Digitally signed by MARCUS T
WILSON
Date: 2024.07.22 16:05:15 -04'00'

Marcus Wilson
Special Agent, Federal Protective Service

Attested to in accordance with the requirements
of Fed. R. Crim. 4.1 by telephone on July 23, 2024:



The Honorable William B. Porter
United States Magistrate Judge
Alexandria, Virginia